

REMARKS

In response to the Examiner's Office Action of July 6, 2005, Applicants are herein presenting their consideration and response to the Examiner's comments.

The Examiner has indicated that claim 8 contains a typographical error as it includes the word "ameliorating". Applicants submit that the word is correctly used, as the word "ameliorating" is used to denote the concept of "reducing". That is, in the context of the entire claim, Applicants wish to define a method that "reduces" the need to monitor a large number of system performance characteristics. Therefore, Applicants consider that the word "ameliorating" should properly remain in claim 8.

The Examiner has indicated that claim 1 and 3-9 are rejected under 35 USC 102(b) as being anticipated by *Maruyama, et al.* (U.S. Patent 6,212,520).

Further, the Examiner has rejected claim 2 under 35 USC 103(a) as unpatentable over *Maruyama, et al.* (U.S. Patent 6,212,520), in view of *Inman, et al.* (U.S. Patent Application Publication 2003/0096606).

Applicants herein traverse the Examiner's conclusions regarding the above claims.

It is the consideration of Applicants that the Examiner is improperly reading *Maruyama*, as the disclosure of *Maruyama* does not read onto the broadest independent claims of the application. Further, *Maruyama* deals with a different problem entirely.

*Maruyama* is concerned with the situation where a server machine 2 receives a database access request from client machine 1. Then, a resource recovery means 2d, terminates the selected database access executing entity 2e and relinquishes the resources allocated thereto --- to make resources available by "another client requesting database access". Now, if client machine 1 had lost power unexpectedly, then the database

executing entity 2d (created before the client machine 1 lost power) can be terminated and its resources (if allocated to executing entity 2e) can be relinquished and connected to the database management system server software running on server machine 2.

This system has no relationship to Applicants' claims as defined herein.

As a result, Applicants have provided a clarifying claim amendment to the independent claims in order that Examiner may take a more comprehensive look in regard to the claimed invention. In particular, Applicants have amended all independent claims to more clearly define the feature of measuring a dependency between two performance characteristics.

Applicants have also included new dependent claims 10-13, which serve to focus the claimed invention. The new claims find support in the specification generally at pages 7 and 8 of the subject application.

Notwithstanding the clarifying amendment, Applicants submit that there is no suggestion that *Maruyama* teaches the derivation of a correlation value as a result of applying a mathematical algorithm.

The phrase "correlation value" implies, as clearly described in the specification, that a value, such as a ranking, a percentage or some other numerical measure, is created as a result of the application of a mathematical algorithm. This is clearly qualified in the claim language, which states:

". . . wherein the correlation value provides an indication of the relative dependency between the second characteristic and the first characteristic."

Applicants submit that this method is fundamentally different from the method that is disclosed in *Maruyama*. *Maruyama* discloses a method which releases unused resources in a computing system by ascertaining whether an executing entity (application) should continue to hold computing resources.

In the invention according to *Maruyama*, when a user makes a request for connection to a server, the server checks to ascertain whether pre-existing connections from the same network address are in existence. If pre-existing connections exist, then further checks are carried out, and if appropriate, the pre-existing connections are terminated, thereby freeing resources in the server.

This method bears no resemblance to Applicants' claimed invention, as Applicants are determining a dependency between two performance characteristics by calculating a correlation value utilizing a mathematical algorithm.

Applicants submit that Examiner may have inappropriately focused on the use of the term "correlate" in *Maruyama*. While *Maruyama* may refer to "correlating" a network address (which simply refers to the step of determining whether two network addresses are identical), such a method step is wholly inapplicable and completely different to that of ----- deriving a correlation value using a mathematical algorithm.

At paragraph 3, Examiner has further rejected claim 2 under 35 USC 103(a) as unpatentable over *Maruyama* in view of *Inman*. *Inman* does not teach the use of numerical values for assessing performance characteristics. Further, *Inman* could not technically be combined with *Maruyama*.

Therefore, it should be emphasized that Applicants' claims, as whole, are novel and non-obvious, as *Maruyama* fails to teach each and every feature of Applicants' claims.

With the above commentary and differentiations in mind, it is requested that Examiner now consider Applicants' invention as a whole in its entirety, and subsequently provide a timely Notice of Allowance for the extant claims.

Respectfully submitted,

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